

REMARKS

Claims 1-13 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement and containing subject matter which was described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Applicant has amended claims 1 and 8 to claim a nitrogen content of 6-45% atomic percent. Support for this is found on page 7, paragraph 3 of the patent application. Applicant respectfully requests that the rejection be withdrawn.

Claims 1-13 are provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-8 of co-pending patent applicant serial number 10/033,859. Claims 1-13 are provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-14 of co-pending patent applicant serial number 09/827,189. Claims 1-13 are provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-14 of co-pending patent applicant serial number 10/033,941. Applicant has included a terminal disclaimer, which obviates this rejection.

Thus, claims 1-13 are in condition for allowance. Applicant has included checks for \$420.00 for a two-month extension and \$110.00 for the terminal disclaimer fee. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,

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Dated: January 15, 2004

CERTIFICATE OF MAIL

I hereby certify that the enclosed Response is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 15, 2004.


Amy M. Spaulding

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